IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.10297 OF 2004

Dhimoni Poly Bags & Ors. : Petitioners (Orig.Defendants)

V/s.

Bank of Baroda : Respondent (Orig.Plaintiff)

...

With

WRIT PETITION NO.10339 OF 2004

Pandya Plastics Pvt. Ltd. & Ors. : Petitioners (Orig.Defendants)

V/s.

Bank of Baroda : Respondent (Orig.Plaintiff)

...

Mr.Anilkumar Patil for the petitioners.

None present for the respondent.

...

CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

January 27, 2005.

P.C.:

1. Both these Petitions emanate from the judgement dated 21.10.2003 passed by the Debts Recovery Appellate Tribunal,

Mumbai, in Appeal Nos.222 and 224 of 2001.

2. The learned counsel for the petitioners submits that the petitioners in Writ Petition No.10297 of 2004 have to pay Rs.1,22,00,000/- to the Bank whereas the claim of the Bank is to the tune of Rs.1.50 crores. The learned counsel for the petitioners submits that in Writ Petition No.10339 of 2004, the petitioners have to recover more than Rs.6,00,000/- from the Bank. Even if an adjustment is given for Rs.6,00,000/-, the petitioners have to pay, even on the statement made by the learned counsel for the petitioners, more than Rs.1,40,00,000/- to the Bank. The petitioners further submit that they are not in a position to pay any amount. The Bank is entitled to recover its legitimate dues as determined by the Tribunal. Both these Petitions are devoid of any merit and are, accordingly, dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S.A. BOBDE, J.